

ESTTA Tracking number: **ESTTA1199642**

Filing date: **03/29/2022**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Ex parte appeal no.	90002764
Appellant	Jeanette Conrad-Ellis
Applied for mark	THE BLACK DIAMOND SERIES
Correspondence address	SHOKO NARUO THOMPSON COBURN LLP ONE US BANK PLAZA ST. LOUIS, MO 63101 UNITED STATES Primary email: ipdocket@thompsoncoburn.com Secondary email(s): snaruo@thompsoncoburn.com , knorris@thompsoncoburn.com 314-552-6077
Submission	APPELLANT'S REVISED SUPPLEMENTAL NOTICE IN RESPONSE TO TTAB ORDER OF FEBRUARY 16, 2022
Attachments	90002764-Applicants_Revised_Supplemental_Notice.pdf(569505 bytes)
Filer's name	Shoko Naruo
Filer's email	ipdocket@thompsoncoburn.com , snaruo@thompsoncoburn.com , knorris@thompsoncoburn.com
Signature	/Shoko Naruo/
Date	03/29/2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re application of: :
Jeanette Conrad-Ellis :
 :
Serial No.: 90002764 : Examining Attorney: Sanjeev K. Vohra
 :
Filed: June 15, 2020 : Law Office: 110
 :
Mark: THE BLACK DIAMOND SERIES :

**APPELLANT'S REVISED SUPPLEMENTAL NOTICE IN RESPONSE TO TTAB
ORDER OF FEBRUARY 16, 2022**

Appellant¹ submits this Revised² Supplemental Notice indicating that 1) Appellant and the Examining Attorney have been able to agree on the tentative oral hearing dates and times listed below, and 2) that Appellant can attend the oral hearing by video conference on the selected date/time. The agreed-upon³ tentative oral hearing dates and times include:

1. Tuesday, May 17, 2022 at 12:00 pm EST
2. Thursday, May 19, 2022 at 12:00 pm EST
3. Thursday, May 5, 2022 at 12:00 pm EST

The 12:00 pm EST times listed above are flexible, and any other time between 10:00 am to 3:00 pm EST that is most convenient for the Board is suitable.

¹ "Appellant" as used herein collectively includes (i) Appellant Jeanette Conrad-Ellis (the owner of the present application) and (ii) Appellant's counsel. It was Appellant's counsel that communicated with the Trademark Office Attorneys.

² This Revised Supplemental Notice is relative to Appellant's original Supplemental Notice filed on March 3, 2022 via ESTTA.

³ Regarding the agreed-upon tentative oral hearing dates, on March 24, 2022, the Examining Attorney emailed Appellant offering any date in May 2022 for conducting the hearing. Upon further discussions, Appellant and the Examining Attorney were able to arrive at the agreed-upon tentative oral hearing dates and times. See Exhibit 1.

Appellant looks forward to the Board's response.

Dated: March 29, 2022

Respectfully submitted,
/s/ Edward W. Gray, Jr.

Edward W. Gray, Jr.

Shoko Naruo

THOMPSON COBURN LLP

One US Bank Plaza

St. Louis, Missouri 63101

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Attorneys for Appellant Jeanette Conrad-Ellis

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPELLANT'S REVISED
SUPPLEMENTAL NOTICE IN RESPONSE TO TTAB ORDER OF FEBRUARY 16, 2022
was sent via electronic mail on March 29, 2022 to the following:

Sanjeev K. Vohra
Trademark Examining Attorney
Law Office 110
United States Patent and Trademark Office
571-272-5885
sanjeev.vohra@uspto.gov

/s/ Edward W. Gray, Jr. _____
Edward W. Gray, Jr.
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101
202-585-6967

EXHIBIT 1

Thomas, Bradley H.

From: Thomas, Bradley H.
Sent: Tuesday, March 29, 2022 4:01 PM
To: 'Vohra, Sanjeev'; Pedersen, Chris; DelGizzi, Denise
Cc: Naruo, Shoko; Gray, Edward W. Jr.
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examining Attorney Vohra,

Thank you for the confirmation. We will submit our revised supplemental notice to the Board via ESTTA as soon as possible, indicating tentative agreeable dates of May 5, 17, and 19, and including a copy of the corresponding email thread spanning from March 24 to today as an exhibit. Thanks again for being able to accommodate our dates.

Sincerely,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Sent: Tuesday, March 29, 2022 6:22 AM
To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>; Pedersen, Chris <Chris.Pedersen@USPTO.GOV>; DelGizzi, Denise <Denise.DelGizzi@USPTO.GOV>
Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>; Gray, Edward W. Jr. <EGray@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Mr. Thomas,

May 5th is also agreeable to me. As I indicated previously, any date in May is fine.

Please file your written notice as soon as possible and inform the Board of your decision.

Thanks,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street |
Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email:
sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Sent: Monday, March 28, 2022 9:11 PM
To: Pedersen, Chris <Chris.Pedersen@USPTO.GOV>; Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>; DelGizzi, Denise <Denise.DelGizzi@USPTO.GOV>
Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>; Gray, Edward W. Jr. <EGray@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Dear Examining Attorney Vohra and Managing Attorney Pedersen,

Thank you for your emails. In addition to May 17, 18, and 19, and for purposes of complying with the “non-consecutive” requirement in item 1) of the Board’s Order of February 16, 2022 (copy attached), we also offer up May 5th as a potential hearing date (we note that Examining Attorney Vohra previously indicated that any date in May would be acceptable).

Thus, if May 5th is also agreeable, we intend to provide written notice to the Board (via ESTTA) proposing the following tentative hearing dates:

- Any two dates from May 17, May 18, May 19
 - Time: noon (or any other time between 10am to 3pm Eastern that is most convenient for the Board)
- May 5th
 - Time: noon (or any other time between 10am to 3pm Eastern that is most convenient for the Board)

We will hold off on filing our written ESTTA notice until we hear back from you that May 5th is also agreeable.

Sincerely,
Bradley H. Thomas
bhthomas@thompsoncoburn.com
P: 314 552 6563
F: 314 552 7000
M: 314.602.6563

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One US Bank Plaza
St. Louis, MO 63101
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From: Pedersen, Chris <Chris.Pedersen@USPTO.GOV>
Sent: Monday, March 28, 2022 3:12 PM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>; Thomas, Bradley H. <BHThomas@thompsoncoburn.com>; DelGizzi, Denise <Denise.DelGizzi@USPTO.GOV>
Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>; Pedersen, Chris <Chris.Pedersen@USPTO.GOV>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Good afternoon everyone,

There may be no need for this e-mail, should a specific date have already been chosen and communicated to the Board, since Mr. Vohra's below e-mail was issued this morning.

However, I simply want to be sure that as soon as Mr. Thomas decides which May date is most convenient, that Ms. DelGizzi at the TTAB will be informed.

That is why I have included Ms. DelGizzi on this e-mail.

Thank you everyone and have a good rest of the week.

C

From: Vohra, Sanjeev
Sent: Monday, March 28, 2022 8:25 AM
To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Cc: Pedersen, Chris <Chris.Pedersen@USPTO.GOV>; Naruo, Shoko <SNaruo@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Mr. Thomas,

Any of those dates work, so please choose the most convenient dates for you and if you would, please notify the Board of your selection as soon as possible.

Thanks,

Sanjeev Vohra

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street
| Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email:
sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Sent: Friday, March 25, 2022 4:13 PM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Cc: Pedersen, Chris <Chris.Pedersen@USPTO.GOV>; Naruo, Shoko <SNaruo@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,

Thank you for your email offering any date in the month of May for the tentative oral hearing date. We have availability on each of May 17, 18, 19. Please pick the date/dates that is/are most convenient your end.

Also, please let us know if you will be communicating the selected date/dates to the Board, or if we need to inform the Board of the selected date/dates on our end (e.g., via the filing of another supplemental notice).

Sincerely,
Bradley H. Thomas
bhthomas@thompsoncoburn.com

P: 314 552 6563
F: 314 552 7000
M: 314.602.6563

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One US Bank Plaza
St. Louis, MO 63101
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From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Sent: Thursday, March 24, 2022 5:47 AM
To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Cc: Pedersen, Chris <Chris.Pedersen@USPTO.GOV>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Mr. Thomas,

Regarding your desire for a mutually agreeable tentative oral hearing date for the above referenced application, I am offering you the opportunity to select any date in the month of May 2022 that suits you.

I hope this helps in your selection.

Thanks,

Sanjeev Vohra

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600
Dulany Street | Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax:
571.273.5885 | email: sanjeev.vohra@uspto.gov

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